

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
04-10374-DPW

UNITED STATES OF AMERICA

v.

EDUARDO RODRIGUEZ

ORDER AND FINAL STATUS REPORT

May 23, 2005

SOROKIN, M.J.

A Final Status Conference was held before this Court pursuant to the provisions of Local Rule 116.5. Based on that Conference the Court enters the following report and orders.

1. There are no remaining discovery issues and there is no additional discovery to be provided.
2. Defendant anticipates filing a motion to suppress after completing his investigation into this case. Defendant's motion is due on July 8, 2005. The government's response is due on July 22, 2005.
3. Counsel anticipate that this case will resolve either with a plea by the defendant or a decision in favor of the defendant on his motion to suppress. In the event of a trial, counsel estimate it would last two to three days.
4. The parties agree, and the Court finds, pursuant to the provisions of 18 U.S.C. § 3161(h)(8) and Local Rule 112.2, that the interests of justice, i.e to afford the defendant both the opportunity to investigate possible defenses and to prepare his motion to suppress, outweighs the best interests of the public and the defendant for a trial within seventy days of the return of the Indictment. Accordingly, the Court Orders that the time from May 23, 2005 through and including July 8, 2005 is excluded under the Speedy Trial Act.
5. As of July 8, 2005, no countable time will have elapsed under the Speedy Trial Act and seventy (70) days will remain under the Act. The Court notes that each day from the date of the arraignment until April 25, 2005 has previously been excluded as follows:
 - (a) The time from the Arraignment on January 20, 2005 until February 22, 2005 was excluded per Docket Entry #6;

(b) The period from February 7, 2005 until April 25, 2005 was excluded per the Initial Status Report and Order, Docket Entry #8;

(c) The period from the Interim Status Conference on April 25, 2005 until the Final Status Conference on May 23, 2005 was excluded per the Interim Status Report and Order, Docket Entry #15;

(d) The period from the Final Status Conference on May 23, 2005 until July 8, 2005 is excluded by this Report and Order.

6. This case is hereby returned to the district judge to whom it is assigned.

/s/ Leo T. Sorokin
LEO T. SOROKIN
United States Magistrate Judge